

PATENT

Att'y. Dkt. No. 03493.86913 (ATT/112518CON)

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In view of the above amendment and the following discussion, the Applicants submit that none of the claims now pending in the application are made obvious under the provisions of 35 U.S.C. § 103. Thus, the Applicants believe that all of these claims are now in allowable form.

I. REJECTION OF CLAIMS 32, 34 AND 35 UNDER 35 U.S.C. § 103

The Examiner has rejected claims 32, 34 and 35 in the Final Office Action under 35 U.S.C. § 103 as being unpatentable over by Aida, et al. (U.S. Patent 6,212,163, issued on April 3, 2001, hereinafter referred to as "Aida") in view of Lee, et al. (U.S. Patent 6,023,470, issued on February 8, 2000, hereinafter referred to as "Lee"). In response, Applicants herein amend independent claim 32 and respectfully traverse the rejection.

Aida teaches a method and device for multi-class ATM connection and admission control. Aida teaches that connection and admission control is controlled by prioritizing calls based on service categories related to traffic parameters. (See Aida, col. 5, ll. 1-39, emphasis added.)

Lee teaches point of presence (POP) for digital facsimile network with virtual POPs used to communicate with other networks. A fax network for communicating fax transmissions over either a conventional public switched telephone network or a digital (frame relay) network based on a telephone number of a destination fax machine is disclosed. (See Lee, Abstract.)

The Applicants respectfully submit that Aida and Lee, alone or in any permissible combination, fail to teach or suggest a network comprising a frame relay switch wherein the frame relay switch is responsive to a plurality of different service categories, said plurality of different service categories is supported over a plurality of different types of communication paths, as positively claimed by Applicants in independent claim 32. Specifically, Applicants' amended independent claim 32 recites:

32. A network comprising:
customer premises equipment;

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a frame relay switch coupled to the customer premises equipment with at least one permanent virtual circuit and receiving a plurality of frame relay data packets, the frame relay switch for translating user data within at least one of the frame relay data packets into a fast packet address;

wherein the frame relay switch is responsive to a plurality of different service categories, said plurality of different service categories is supported over a plurality of different types of communication paths, and configured to determine a quality of service of the plurality of different service categories responsive to layer 4 data. (Emphasis Added)

In one embodiment, the Applicants' invention teaches that layer 4 data may be utilized to determine a quality of service of a plurality of different service categories. (See Applicants' specification, page 16, line 12 – page 17, line 1.) For example, the switch can use the IP addresses and/or TCP logical ports to make quality of service (QOS) decisions. (e.g., See Applicants' specification, page 13, lines 7-9).

Additionally, in one embodiment, the Applicants' invention teaches that the switch is responsive to a plurality of service categories. The service categories may include different types of communication paths such as, for example, the public internet, communication via a local intranet, communication within a closed user group (CUG), communication with an extranet, live audio/video transmission, multicasting, telephony over IP, or any combination thereof. (e.g., See Applicants' Specification, Page 13, Lines 15-21.) As such, Applicants' invention teaches a frame relay switch that is responsive to a plurality of different service categories, said plurality of different service categories is supported over a plurality of different types of communication paths.

Aida fails to teach or to suggest a network comprising a frame relay switch wherein the frame relay switch is responsive to a plurality of different service categories, said plurality of different service categories is supported over a plurality of different types of communication paths because Aida only teaches that the service categories are traffic parameters of a single communication path (i.e. calls over an ATM network). (See Aida, col. 5, ll. 1-39, emphasis added.) For example, the service categories CBR, Real-time VBR, Non-real-time VBR and Best Effort Class, taught by Aida, all refer to properties of a call, such as transmission speed and quality of service. (See Aida, col. 1, ll. 11-13; col. 5, ll. 1-39.) In contrast, Applicants' invention teaches that the plurality of different service categories are supported over a plurality of different types of

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communication paths.

Moreover, Lee fails to bridge the substantial gap left by Aida. Lee only teaches a fax network for communicating fax transmissions over either a conventional public switched telephone network or a digital (frame relay) network based on a telephone number of a destination fax machine. (See Lee, Abstract.) As such, the combination of Aida and Lee does not make obvious Applicants' invention as claimed in independent claim 32.

In addition, dependent claims 34 and 35 depend from claim 32 and recite additional limitations. As such, and for the exact same reason set forth above, the Applicants submit that claims 34 and 35 are also patentable over Aida and Lee and respectfully request the rejection be withdrawn.

II. NEW CLAIMS

Applicants herein add new dependent claim 80. The Applicants respectfully submit that no new matter is added and the new claim is fully supported by the Applicants' specification. The Applicants further submit that new dependent claim 80 is allowable for at least the reasons stated above with regard to independent claim 32.

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Thus, the Applicants submit that all of these claims now fully satisfy the requirements of 35 U.S.C. §103. Consequently, the Applicants believe that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring the maintenance of the present final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Kin-Wah Tong, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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